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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,251	12/30/2000	Wolfgang Roesner	AUS920000226US1	7486

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT	PAPER NUMBER
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2121

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DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,251

Applicant(s)

ROESNER ET AL.

Examiner

Ronald D Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-9 are presented for examination.
2. The applicant is kindly asked to update the cross reference to related application sections to accurately reflect updated information (Application Number of copending applications).

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-9 are directed to a non-interactive data structure wherein nonfunctional descriptive material is simply stored on a computer readable medium. MPEP 2106 states that the applicant must provide the claims with some type of functional relationship so that the non-statutory descriptive material will become structurally and functionally interrelated to the medium so that the claimed subject matter will be statutory (in most cases).

The claims have been interpreted to be applicable to a method for adding comments to an HDL description.

***Information Disclosure Statement***

4. The applicant's IDS, filed on 10/1/2001 (paper #6), was not located by the examiner. Therefore, any and all references found in this submission were not considered at the time of this office action. The applicant is kindly asked to resubmit the PTO 1449 form with the references of interest so that the examiner may properly consider these references and the examiner apologizes, in advance, for any inconvenience.

***Drawings***

5. New corrected drawings are required in this application because they are hand drawn and therefore difficult to understand and reproduce. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to this office action to avoid abandonment of the application. The requirement for new drawings will not be held in abeyance.

***Specification***

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

As per claims 6 and 8, an "intermediate signal" is claimed, but the examiner can find no reference of this specific signal within the specification as originally filed, and

Art Unit: 2121

Ac- 11/3/04  
therefore the examiner is unsure as to what is <sup>intended</sup> ~~indented~~ by this limitation. Therefore, since this claim has already been rejected under 101 as claiming non statutory subject matter (See above), and since the examiner will not speculate as to the intended meaning of the aforementioned claimed features with regards to claims 6 and 8, any art rejection's will be held in abeyance until such time that these claims claim subject matter that does not require the examiner to speculate as to what is intended.

**Claim Rejections - 35 USC § 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another field in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another field in the United States before the invention by the applicant for patent, except that an international application field under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application field in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawman, U.S. Patent No. 5,870,309.

As per claim 1, Lawman teaches a method for adding comments to an HDL description wherein a data structure comprises a first field representing an assigned target and second field containing data representing a logic value to be assigned to the target (e.g. Figures 10-12 and C10 L12-20 and C10 L65- C11 L10 and C11 L27-38 and C12 L51-65 and Abstract).

As per claim 2, Lawman teaches the first and second field incorporated into a comment line of a source code file (e.g. Figure 11; element 101 and 106).

As per claim 3, Lawman teaches a pre-pended comment identifier for identifying the data structure as a HDL (hardware description language) comment (e.g. Figure 11; element 118, "///" and elements 102, "/\*" and 103, "\*/").

As per claim 4, Lawman teaches the first field contains data declaring a simulation event (e.g. Figure 11 elements 104 and 101)

As per claim 5, Lawman teaches the first field comprising an event type sub-field for declaring a type of simulation event (e.g. Figure 11 elements 101, 106 and 118).

As per claim 7, Lawman teaches the logic value being a logical connectivity expression for combining a plurality of signals (e.g. C3 L30-40).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is 703-308-7001. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.  
Examiner  
Art Unit 2121

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**Anthony Knight**  
Supervisory Patent Examiner  
Group 3600